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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,728	05/02/2006	Hideo Sato	288998US8PCT	3238

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

CHAWAN, SHEELA C

ART UNIT	PAPER NUMBER
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2624

NOTIFICATION DATE	DELIVERY MODE
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02/05/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/577,728	Applicant(s) SATO, HIDEO	
	Examiner SHEELA C. CHAWAN	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/2/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Preliminary Amendment

2. Preliminary amendment filed on 4/27/01 has been entered.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 5/2/06, the information disclosure statement is being considered by the examiner.

Drawings

4. The Examiner has approved drawings filed on 5/2/06.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being as being anticipated by Immega et al., (US. 5,726,443).

As to claim 1, Immega discloses an information processing apparatus (optically detecting the proximity of the observing objects at close ranges), comprising:

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emitting means for emitting a plurality of lights whose wavelengths are different from each other to a living body (note, a fingerprint sensor where a finger placed on the sensor is illuminated by both a light source and by ambient lights(fig 3, item 24 a finger item 35 is an external light existing or present on all sides of the finger (ambient light), the fingerprint sensor having a color filter that filters out a portion of the ambient light(the finger is translucent and some of the ambient light would be transmitted through finger (column 6, lines 5-10, fig 3, item 39), color filter of red, green and blue cover the sensor(column 15, lines 42- 48), color filters inherently pass light with a specific wavelength range corresponding to the filter's color while absorbing the light outside that wavelength range, for example a red filter only passes red light (light within the red wavelength range of the spectrum, while blocking all other lights outside that range), i.e., the color filters absorb(filter out) a portion of the transmitted light);

dispersion means for dispersing the respective lights coming from the living body (note, fig 3, item 32 is a contact surface which receives a finger tip of a user);

separation means for separating a plurality of image components corresponding to the respective lights from an image pickup signal output as a result of image pickup by an image pickup element for the respective lights dispersed by the dispersion means (note color filters of red, green and blue cover the sensors(column 15, lines 42- 48), color filters inherently pass light with a specific wavelength range corresponding to the filter's color which absorbing the light outside that wavelength range, a green filters only passes green light (light with the green wavelength range of the spectrum , while blocking all others lights outside that range), the light 39 transmitted through the finger

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is red light (column 15, lines 23- 27), i. e. the green filter is opaque to the red light (a portion of ambient light that is substantially transmitted through the fingertip); and

signal processing means for carrying out processing corresponding to the respective image components separated by the separation means (note, fig 5, 6 and 10 a plurality of optical sensors1. color filters 15 between sensor 1 and the content surface the optical detectors generating electric signal is response to the received light, thereby providing an electronic representation of a fingerprint corresponds to the finger tip (the optical detectors are CCD or photodiodes (column 5, lines 8-11) , which inherently generate an electrical signal and an image of the fingerprint is generated by sensor 1 (column 12, lines 39- 45).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Immega et al., (US. 5,726,443), as applied to claim 1 above and further in view of Choshi et al., (US.7,327,861 B2).

Regarding claim 2, Immega discloses everything as applied above (see claim 1). However, Immega does not specifically disclose authentication.

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Choshi discloses an organism authenticating apparatus detects that the hand holds the gripping portion, the apparatus lights infrared ray emitting diodes within the gripping portion, inputs the passed-through infrared ray image of the hand by using a CCD image captor attached above the gripping portion and then collates the inputted image data with image data of permitted persons that are registered in advance. If the person is authenticated by the collation, the electric lock is driven to open. Although it is not indispensable for the invention, the computer is used for recording entrance and exit of persons, storing registered persons' data and executing maintenance and monitoring jobs (column 2, lines 50- 62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Immega to include authentication. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Immega by the teaching of Choshi in order to prevent false authentication (as suggested by Choshi at column 1, lines 43- 48).

As to claim 3, Choshi discloses the information processing apparatus according to claim 2, wherein the signal processing means detects a state of positional misalignment of an image with respect to the second image component based on the first image component, and carries out authentication processing based on the second image component corrected according to a detection result (column 3, lines 34- 45).

Other prior art cited

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Iwai (US. 7,084,415 B2) discloses fingerprint reading method using compared monochromatic images and fingerprint reading apparatus.

Higuchi (US. 7,366,331 B2) discloses fingerprint input device.

Brownlee (US. 6,292,576 B1) discloses method and apparatus for distinguishing a human finger from a reproduction of a fingerprint.

Amano et al., (US. 6,553,134 B1) discloses image reading apparatus.

Fujieda et al., (US. 6,011,860) discloses small reliable image input apparatus incorporated in fingerprint collation system pf personal identification.

Prosser (US. 5,246,002) discloses noise insensitive pulse transmittance osimeter.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEELA C. CHAWAN whose telephone number is (571)272-7446. The examiner can normally be reached on 7.30- 5.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Werner can be reached on 571-272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sheela C Chawan/

1/30/09

Primary Examiner, Art Unit 2624

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